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8		RE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11		Case No. 2013-622
12	In the Matter of the Accusation Against:	
13	ANDREW BECERRA 3687 4th Avenue, Apt. 505 San Diego, CA 92103	ACCUSATION
14	Registered Nurse License No. 705386	
15	Respondent.	
16	Respondent.	·
17		
18	Complainant alleges:	
19	PARTIES	
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
21	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
22	Consumer Affairs.	
23	2. On or about June 22, 2007, the Board of Registered Nursing issued Registered Nurse	
24	License Number 705386 to Andrew Becerra (Respondent). The Registered Nurse License was in	
25	full force and effect at all times relevant to the charges brought herein and will expire on May 31,	
26	2013, unless renewed.	
27	///	
28	///	
		1

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

#### STATUTORY PROVISION

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

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## CONTROLLED SUBSTANCE/DANGEROUS DRUG

11. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2), and is a dangerous drug pursuant to Business and Professions Code section 4022.

### **COSTS**

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

# FIRST CAUSE FOR DISCIPLINE

# (Unprofessional Conduct - Use of a Controlled Substance)

- 13. Respondent has subjected his registered nurse license to disciplinary action under section 2762, subdivisions (a) and (b) of the Code, for unprofessional conduct, in that on or about July 12, 2010, Respondent ingested methamphetamine, a Schedule II controlled substance as designated by Health and Safety Code.
- a. On or about July 12, 2010, Respondent was arrested by the San Diego Police Department for use of and being under the influence of methamphetamine. Respondent had called the police from his residence to complain about a man on top of his roof who was conspiring to kill Respondent. Police arrived and found that Respondent was confused and under the influence of drugs. Respondent admitted to the arresting officer that he had smoked methamphetamine the previous day.

### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

Revoking or suspending Registered Nurse License Number 705386, issued to
 Andrew Becerra;

- 2. Ordering Andrew Becerra to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: Jebsuary 19, 2013

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

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